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09/929,331	08/14/2001	Yu-Sam Chang	P/ 3491-56	8693

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EXAMINER

LEE, CHEUKFAN

ART UNIT PAPER NUMBER

2627

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,331

Applicant(s)

CHANG ET AL.

Examiner

Cheukfan Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


Cheukfan Lee

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 1-15 are pending. Claims 1, 6 and 11 are independent.
2. Applicant's arguments filed August 29, 2005 have been fully considered but they are not persuasive.

All rejections set forth in the previous Office Action mailed February 25, 2006 stand. The rejections are repeated below in sections 5-7. Response to Applicant's remarks follows in section 8.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sung (U.S. Patent No. 6,587,231) in view of Matsumoto (U.S. Patent No. 6,147,339).

Regarding claims 1, 6 and 11, Sung discloses a scanning apparatus having a transparent housing. The transparent housing (1), which is integrally made of high-strength and transparent material and is of how box shape and has an upper transparent window (2) and a lower transparent window (3) with border marked on the top surface (10) and bottom surface (11) thereof (Fig. 1, col. 2, lines 35-42). This

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means that not only the window (3) is transparent but also the top surface is transparent.

The upper transparent window (2) reads on the claimed document-loading panel.

Sung does not specify that the transparent material used to make the transparent housing (1) is acrylic.

Matsumoto discloses an image sensor module comprising a scanning window (18) and a part (18b) of the frame, the scanning window (18) and frame part 918b) being integrally formed of molding transparent material, acrylic (Fig. 1, col. 3, lines 62-66).

Matsumoto teaches forming a scanning window and part of the frame by integral molding transparent acrylic material.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ transparent acrylic as the transparent material for forming the transparent housing of Sung, including the scanning window (2), as taught by Matsumoto, because acrylic is of high-strength and transparent material as required by Sung (col. 2, lines 36-37).

5. Claims 2, 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sung (U.S. Patent No. 6,587,231) in view of Matsumoto (U.S. Patent No. 6,147,339) as applied to claims 1, 6 and 11 above, and further in view of Hu et al. (U.S. Patent No. 6,271,939).

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Regarding claims 2, 7, and 12, the obvious scanner of Sung in view of Matsumoto discussed for claims 1, 6 and 11 above does not have a chart printed on the document loading panel (scanning window) directly. However, such feature is not novel and is taught by Hu et al. in which a scale or a grid (chart) is printed on a transparent window of a scanner (col. 5, lines 15-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to print a chart on the transparent window of Sung in view of Matsumoto, as taught by Hu et al. to assist the user of the scanner. Sung further discloses a scanner cover (7 in Figs. 5 and 6, col. 3, lines 52-55).

6. Claims 3, 5, 8, 10, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sung (U.S. Patent No. 6,587,231) in view of Matsumoto (U.S. Patent No. 6,147,339) as applied to claims 1, 6 and 11 above, and further in view of Motamed (U.S. Patent No. 6,327,047).

Regarding claims 3, 8 and 13, and claims 5, 10 and 15, the obvious scanner of Sung in view of Matsumoto discussed for claims 1, 6 and 11 above does not have a chart attached on the transparent, document loading panel or window directly, or attached on a document cover of the scanner. However, such feature is not novel and is taught by Motamed, in which a chart (calibration target 200) is attached (adhered) to a surface of the transparent window (210) for placing a document to be scanned (Fig. 2A, col. 5, lines 13-25), or attached to the inside of the scanner cover (Figs. 2B, col. 5, lines 26-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach a chart on a transparent, document loading panel, or attach a chart on the inside of a scanner cover, as taught by Motamed, in order to either assist the user or to provide a target for the scanner calibration. Sung further discloses a scanner cover (7 in Figs. 5 and 6, col. 3, lines 52-55).

7. Claims 4, 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sung (U.S. Patent No. 6,587,231) in view of Matsumoto (U.S. Patent No. 6,147,339) as applied to claims 1, 6 and 11 above, and further in view of Pan (U.S. Patent No. 6,008,501) and well known art.

Regarding claims 4, 9 and 14, the obvious scanner of Sung in view of Matsumoto discussed for claims 1, 6 and 11 does not have a chart printed on the (inherent) document cover of the scanner directly. Please see also scanner cover (7 in Figs. 5 and 6) of Sung.

Pan teaches a flat bed scanner having a document cover, the inside surface of which is provided a specific pattern (stripes), which reads on a chart. The pattern on the cover is for assisting detection of the presence of a document placed on the transparent scanning window (col. 4, lines 11-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a pattern on the inside of the document cover of Sung in view of Matsumoto to assist detection of the presence of a document placed on the

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transparent window or loading panel, as taught by Pan, in order to prevent wasting the user's time (Pan, col. 4, lines 24-27).

Pan does not disclose printing the pattern on the document cover directly (Fig. 5). However, the Examiner took Official Notice of the fact that printing a pattern directly on a surface of a scanner part is a common method and means for providing a pattern or chart on the surface. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to print directly the pattern or chart of Sung in view of Matsumoto and Pan on the inside of the document cover in order to reduce the total number of parts or components of the scanner.

8. Response to Applicant's Arguments

Applicant argues that the combination of Sung (6,587,231) and Matsumoto (6,147,339) is improper. Applicant states that "[i]t is noted that the section Sung which the Examiner cites (col. 2, lines 36-37) pertains to the transparent housing (1) and not to either of the transparent windows (2, 3) which form separate parts, not integral with the housing." Applicant then concludes that there is no disclosure or suggestion in Sung that "a document-loading panel is made of transparent acrylic material" as claimed in claim 1. See page 5 of the Remarks.

The above statement is not all correct. First, the Examiner cited not only lines 36-37 of col. 2 of Sung but also the section at col. 2, lines 35-40 (see section 4 on page 2 of the Office Action). Secondly, that section at col. 2, lines 35-42 of Sung clearly states the following:

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"The transparent housing 1 is integrally made of high-strength and transparent material. Moreover, the transparent housing 1 can be decorated with opaque part on the portion where transparency is not required. The transparent housing is of hollow box shape and has an upper transparent window 2 and a lower transparent window 3 with border marked on the top surface 10 and the bottom surface 11 thereof."

Clearly, the transparent housing (1) has an upper transparent window (2) and a lower transparent window (3), with both windows (2, 3) defined by marking on the top surface (10) and the bottom surface (11), respectively, of the housing (1). Not only the windows (2 and 3) are transparent but also other parts of the transparent housing (1) as well. Col. 1, lines 57-59 also clearly states the following:

"The upper surface and the lower surface of the transparent housing are marked to define a transparent upper window and a lower transparent window."

It is clear from the above that the transparent windows (2, 3) are integral parts of the transparent housing (1), as opposed to separate transparent windows (2, 3) form separately from the transparent housing (1) of an alternative embodiment (Fig. 2, col. 2, lines 43-49).

Therefore, Sung discloses that a document-loading panel (2) is made of transparent material which is the teaching of Sung that the previous Office Action relied on.

Applicant further states that the transparent window (18) of Matsumoto located at the bottom of the apparatus does not constitute a document loading panel, as the

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apparatus of Matsumoto does not hold documents, because the document scanner of Matsumoto is a hand-held portable scanner that rolls over a document. In the previous Office Action, Matsumoto is relied on for its transparent acrylic scanning window (18). Both the transparent window (2) of Sung and the transparent window (18) of Matsumoto are scanning windows through which light from a light source inside the apparatus is transmitted and light reflected by a document during scanning of the document. One of ordinary skill in the art would have realized that a scanning window made of transparent acrylic material, such as the acrylic scanning window (18) of Matsumoto, is strong enough to hold a document, which is of relatively light weight.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ transparent acrylic material as the transparent material for forming the transparent housing (1) including the transparent window (2) of Sung.

For the reasons given above, the rejections of claims 1, 6 and 11 stand.

With respect to claims 2, 7 and 12, Applicant's arguments rely on Applicant's reasoning regarding claims 1, 6 and 11 and not on any discussion of Hu et al. Thus, the rejection of claims 2, 7 and 12 stands for the same reasons as given for claims 1, 6 and 11.

For claims 3, 5, 8, 10, 13, and 15, similarly, Applicant's arguments rely on the reasoning regarding claims 1, 6 and 11 and not on any discussion of Motamed. Thus, the rejection of claims 3, 5, 8, 10, 13, and 15 stands.

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For claims 4, 9 and 14, similarly, Applicant's arguments rely on the reasoning regarding claims 1, 6 and 11 and not on any discussion of Pan. Thus, the rejection of claims 4, 9 and 14 stands.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee
February 1, 2006

A handwritten signature in black ink, appearing to read "Cheukfan Lee", with a stylized flourish above the name.